



DEPARTMENT OF THE NAVY
NAVY RECRUITING COMMAND
5722 INTEGRITY DR.
MILLINGTON, TN 38054-5057

COMNAVCRUITCOMINST 12550.1A
N12
14 Jul 2009

COMNAVCRUITCOM INSTRUCTION 12550.1A

From: Commander, Navy Recruiting Command

Subj: OVERTIME, COMPENSATORY TIME, AND CREDIT HOURS

Ref: (a) Title 5 Code of Federal Regulations (CFR) Section
550.111 through 550.114
(b) Title 5 Code of Federal Regulations (CFR) Section
550.1401 through 550.1409
(c) Department of Defense Financial Management
Regulation, Vol 8, Chap 3, Para 030302
(d) Title 5 CFR Section 551
(e) 5 United States Code 5542

Encl: (1) NAVCOMPT Form 2282 (2-83), Overtime/Compensatory Time
Request and Authorization

1. Purpose. To promulgate policies for compensating civilian federal service employees (hereafter referred to as "employees") for approved work in excess of their regularly scheduled work hours per references (a) through (e).

2. Cancellation. COMNAVCRUITCOMINST 12550.1. Due to numerous changes, marginal notations are not included. This instruction should be read in its entirety.

3. Background. In addition to the guidance provided in references (a) through (e), this instruction addresses the Overtime and Compensatory Time policies for all Navy Recruiting Command (NAVCRUITCOM) UICs.

4. Policy. Title 5, United States Code requires that employees be compensated for approved overtime. Deputy Commander, NAVCRUITCOM; Chief of Staff (COS); Department Directors; Deputy Directors; Region Commanders and Deputy Commanders; District Commanding Officers (COs); District Executive Officers (XOs); and Officer in Charge, Navy Recruiting Orientation Unit (NAVCRUITCOM ORIENT UNIT); are approval authority for overtime or compensatory time for employees who work in excess of their regularly scheduled workday or 80 hours in a bi-weekly pay period. NAVCRUITCOM desires to minimize the amount of overtime

authorized. All levels of management must use every possible means to accomplish workloads within the normal working hours. When overtime or compensatory time is required, it must be requested and approved in **advance** on NAVCOMPT Form 2282 (enclosure (1)).

5. Employees Coverage. Covered employees are those under the Fair Labor Standards Act (FLSA) classified as "non-exempt." These employees are entitled to overtime pay protection. Generally these are employees who are not in bona fide executive, professional, managerial, or supervisory positions. FLSA status of a position is contained on the official position description or in Block 35 of an employee's Standard Form 50, Notification of Personnel Action. If there are questions concerning an employee's status under the FLSA, consult the Civilian Human Resources Liaison Division, N12.

a. Non-exempt Employees. FLSA generally provides that overtime is paid at a rate of one and one half times an employee's regular hourly pay rate. FLSA requires that overtime must be paid to all "non-exempt" employees for every hour worked beyond 40 hours in a workweek or 80 hours in a bi-weekly pay period, unless the employee requests compensatory time (COMP TIME) in lieu of overtime payment. To request COMP TIME in lieu of overtime payment, the employee must submit a written memorandum to their immediate supervisor for approval.

b. Exempt Employees. Exempt employees (those not under FLSA rules) may work over their regularly scheduled hours in a workday or 80 hours in a bi-weekly pay period without compensation at their discretion; however, if ordered by management to work in excess of their normal schedule, they should be compensated. In the case of exempt employees, overtime can be authorized; however, NAVCRUITCOM recommends that employees who are exempt from FLSA be compensated for hours above their normal work schedule with compensatory time.

6. Definitions. Compliance with the FLSA overtime provisions requires an understanding of the meaning of such terms as workweek and hours worked, and suffer or permitted work. Advice on application of these terms to actual situations should be sought from NAVCRUITCOM, Civilian Human Resources Liaison Division, N12.

a. Workweek. The basic administrative workweek for full time employees is eight or nine hours (depending on the employee's approved work schedule) in a day or 80 hours in a bi-

weekly pay period. The law requires non-exempt employees be compensated at a rate not less than one and one-half the regular rate of pay for all hours worked in excess of their regularly scheduled workday or 80 hours in a bi-weekly pay period. Daily assigned working hours may vary for those assigned to a compressed work schedule.

b. Hours Worked. The FLSA does not limit the number of hours either daily or weekly, an employee may work. A non-exempt employee may work as many hours as agreed to and approved by the supervisor. Overtime must be paid or compensatory time requested for hours worked in excess of eight or nine hours in a day (depending on the employee's work schedule) or 80 hours in a bi-weekly pay period.

c. Suffered or Permitted Work. All time spent by a non-exempt employee performing an activity for the benefit of and under the control or direction of the employer is considered hours of work. Work that is not requested by a supervisor but is permitted must be counted as hours worked.

7. Compensatory Time (COMP TIME). COMP TIME is earned at the rate of one hour for each hour of overtime worked, and may be earned and used in increments of one-tenth of an hour (6 minutes). COMP TIME will automatically convert to overtime and will be paid to the employee if not used within 26 pay periods from the date earned.

a. Non-exempt employees. Non-exempt employees cannot be required to accept COMP TIME instead of overtime pay for approved overtime worked. However, at the request of a non-exempt employee, COMP TIME may be granted in lieu of overtime pay for approved hours worked in excess of the employee's regular work schedule.

(1) A non-exempt employee must submit a written request to his/her supervisor requesting to be compensated through compensatory time off versus paid overtime.

(2) Management has the right to approve or deny a written request for COMP TIME versus overtime based on an assessment of the employee's leave balance at the time of the request and whether or not granting COMP TIME will place a burden on the organization due to the employee being required to take additional time off in addition to normal leave. The request:

(a) must be submitted prior to the overtime work commencing,

(b) must state if the request is for a specific pay period or if the request will be for any overtime work from this point forward (an employee may submit an "open-ended" request for compensatory time which will be in effect until he/she submits another written request to convert back to paid overtime),

(c) may be submitted on NAVCOMPT Form 2282 in the "Justification" section if the request for compensatory time is only for one pay period, and

(d) must be submitted as a separate request from NAVCOMPT FORM 2282 if it is an "open-ended" request.

b. Exempt employees. Exempt employees may be directed to work for COMP TIME. However, the supervisor must monitor the amount of COMP TIME earned to ensure the employee is not accruing an excess amount of COMP TIME which may impact the ability to take both accrued use or lose annual leave by the end of the leave year and aged COMP TIME prior to it converting to overtime pay. Supervisors can, and should, order employees to take COMP TIME accumulated rather than allowing the COMP TIME to convert to overtime pay. Failure by the employee to comply with the time limits established by the supervisor to use accumulated COMP TIME may result in the loss of the employee's right to earn COMP TIME and have accumulated COMP TIME which cannot be taken convert to overtime pay.

8. Compensatory Time Off for Travel. Compensatory time off for travel is earned by an employee for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable. Compensable refers to periods of time creditable as hours of work for the purpose of determining a specific pay entitlement. To be creditable under this provision, travel must be officially authorized by a management or supervisory official within the employee's assigned organization.

a. Time in a travel status includes:

(1) Time spent traveling between the official duty station and a temporary duty station,

(2) Time spent traveling between two temporary duty stations; and

(3) The "usual waiting time" preceding or interrupting such travel (e.g., waiting at an airport prior to departure). NAVCRUITCOM has the sole and exclusive discretion to determine what is creditable as "usual waiting time." Guidance on what constitutes "usual waiting time" should be sought from NAVCRUITCOM, Civilian Human Resources Liaison Division, N12.

b. Crediting and use of compensatory time for travel:

(1) May be credited and used in increments of one-tenth of an hour (6 minutes) and

(2) Must be used within 26 pay periods from the date earned.

c. Forfeiture of compensatory time for travel occurs:

(1) When the compensatory time for travel is not used within the specified time limits (it does not convert to overtime pay),

(2) Upon voluntary transfer to another agency,

(3) Upon movement to a non-covered position, or

(4) Upon separation from the Federal Government.

9. Credit Hours. Credit hours are hours an employee elects to work to complete tasking in excess of the employee's basic work schedule of 80 hours per pay period. An employee must be assigned to a Flexible Work Schedule program and be approved by his/her supervisor to be eligible to earn credit hours. Employees assigned to a Compressed Work Schedule (i.e., 5 - 4/9 Plan or 4/10 Plan) are not eligible to earn credit hours per 5 U.S.C. 6121(4).

a. Credit hours are not officially ordered or approved in advance by management as are overtime hours. Credit hours must be worked within an employee's non-overtime tour of duty.

b. An employee's immediate supervisor has the authority to grant an employee's request to earn credit hours. The supervisor must consider the duties and responsibilities of the position before granting approval.

c. Employees are not paid basic pay or overtime pay for credit hours when earned. Credit hours may not be advanced; therefore, time cannot be charged against credit hours until credit hours have been earned.

d. Credit hours are earned at the rate of one hour for each hour of voluntary work in excess of the basic work requirement. The maximum number of credit hours an employee may earn in a pay period is 10 hours. Credit hours may not be earned for training required by the command or official travel time.

e. The maximum number of credit hours an employee may carry over from one biweekly pay period to a subsequent biweekly pay period is 24. Once the maximum number of credit hours is accrued, the employee may not earn additional credit hours until the accrued balance falls below a total of 24 hours. Any excess credit hours an employee does not use before the end of a pay period will be forfeited, e.g., if an employee has an accrued credit hour balance of 20 at the beginning of a pay period and during the current pay period works an additional six credit hours, the two hours in excess of the 24 hours maximum allowed will be forfeited at the end of the current pay period.

f. Credit hours used are counted as part of the employee's basic work requirement. Employees are entitled to their basic rate of pay when credit hours are used. Credit hours may be used during a subsequent day, week, or pay period, with supervisory approval, to allow the employee to be absent for an equal number of hours within the employee's basic work requirement with no loss of basic pay.

g. Credit hours are paid to an employee at the employee's basic rate of pay when the employee:

- (1) Is no longer subject to the command's flexible work schedule program,
- (2) Transfers to another agency, or
- (3) Ends Federal employment.

10. Responsibilities

a. Deputy Commander NAVCRUITCOM, COS, Headquarters' Department Directors and Deputy Department Directors, Region Commanders and Deputy Commanders, NAVCRUITDIST Commanding and

Executive Officers and OIC, NAVCRUITCOM ORIENT UNIT are responsible for overseeing the use of overtime and COMP TIME as means of compensation for employees within their organizations who are required to work in excess of their regular work schedules and for keeping overtime work to a minimum. They are also responsible for overseeing the use of credit hours as an additional form of recognition for employees who work past their basic work schedule.

b. Managers and Supervisors are responsible for:

(1) Maintaining an awareness of FLSA category (exempt or non-exempt) for all assigned employees and corresponding entitlements of each of their employees,

(2) Utilizing resources in the most efficient way possible to preclude the necessity to work employees overtime,

(3) Verifying employees work the hours authorized and claimed by maintaining complete and accurate records of all hours worked,

(4) Ensuring accrued COMP TIME is taken within allowable time limits to avoid automatic conversion to overtime pay,

(5) Ensuring employees do not exceed the maximum number of credit hours which may be accrued in a pay period or exceed the maximum allowable carry over from one pay period to another.

11. Funding. Funding for overtime costs will be deducted from each organization's respective OPTARS. No additional funding will be budgeted or provided by NAVCRUITCOM Comptroller for overtime costs.

12. Forms. NAVCOMPT 2282, Overtime/Compensatory Time Request and Authorization is available from the Civilian Human Resources Liaison Division, N12 and may be reproduced locally. Overtime, COMP TIME, and Credit Hours **must** be annotated in the SLDCADA system in the pay period in which accrued.

/s/
R. R. BRAUN
Deputy

Distribution:
Electronic only, via
<http://www.cnrc.navy.mil/Publications/directives.htm>

**OVERTIME/COMPENSATORY TIME
REQUEST AND AUTHORIZATION (7410)**[illegible]